

ESTTA Tracking number: **ESTTA376589**

Filing date: **11/03/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Haskell Indian Nations University		
Entity	Corporation	Citizenship	Kansas
Address	155 Indian Avenue Lawrence, KS 66046 UNITED STATES		

Attorney information	James J. Kernell Erickson Kernell Derousseau & Kleypas LLC 800 West 47th Street, Suite 401 Kansas City, MO 64112 UNITED STATES jjk@kcpatentlaw.com, ljk@kcpatentlaw.com Phone:816-753-6777
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Registration Subject to Cancellation

Registration No	3056812	Registration date	02/07/2006
Registrant	Haslim, Andreas 6028 North 57th Avenue Glendale, AZ 85301 UNITED STATES		

Goods/Services Subject to Cancellation


Class 025. First Use: 2003/10/31 First Use In Commerce: 2003/10/31
All goods and services in the class are cancelled, namely: pants, shorts, jackets, shirts, socks, gloves, t-shirts, underwear, swim suits

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77979291	Application Date	03/19/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HASKELL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1945/00/00 First Use In Commerce: 1945/00/00 CLOTHING, NAMELY, SHIRTS, TIES, SHORTS, HATS AND COATS

Attachments	77979291#TMSN.jpeg (1 page)(bytes) Petition for Cancellation.pdf (3 pages)(12536 bytes) Exhibit A.pdf (1 page)(787686 bytes) Exhibit B.pdf (3 pages)(450239 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/James J. Kernell/
Name	James J. Kernell
Date	11/03/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 3,056,812, H HASKELL
and Design, registered February 7, 2006

HASKELL INDIAN NATIONS UNIVERSITY,)

Petitioner,)

v.)

ANDREAS HASLIM,)

Registrant.)

Cancellation No. _____

PETITION FOR CANCELLATION

Haskell Indian Nations University, a Kansas corporation, having its principal place of business at 155 Indian Avenue, Lawrence, Kansas 66046, believes that it will be damaged by U. S. Trademark Registration No. 3,056,812 for H HASKELL and Design for goods in International Class 25 for pants, shorts, jackets, shirts, socks, gloves, t-shirts, underwear and swim suits, and hereby petitions to cancel the same:

As grounds therefor, it is alleged that:

1. Registrant filed an application for registration of H HASKELL and Design as a trademark for the above-identified goods in International Class 25 on November 20, 2003, as indicated on the resulting registration, a copy of which is attached as Exhibit A.
2. Petitioner is the applicant in application Serial No. 77/979,291, for the mark HASKELL, for clothing, namely, shirts, ties, shorts, hats and coats, a copy of which is attached as Exhibit B.

3. Petitioner believes that because of the similarities between the marks and the goods of the parties, a likelihood of confusion is created.

4. Petitioner has used its mark in connection with the goods throughout the United States since at least as early as 1945, well prior to Registrant's first use in commerce of October 31, 2003.

WHEREFORE, Petitioner prays that it is or will be damaged by Registration No. 3,056,812, and prays that said registration be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

To the best of Petitioner's knowledge, the address of Registrant Andreas Haslim is 6028 North 57th Avenue, Glendale, Arizona 85301.

The Petition for Cancellation filing fee of \$300 is being paid via credit card.

Respectfully submitted,

/James J. Kernell/

James J. Kernell, P. O. Reg. No. 42,720
ERICKSON, KERNELL, DERUSSEAU
& KLEYPAS, LLC
800 West 47th Street, Suite 401
Kansas City, Missouri 64112
Telephone: (816) 753-6777

Attorneys for Petitioner
Haskell Indian Nations University

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Cancellation has been served upon the Registrant, Andreas Haslim, 6028 North 57th Avenue, Glendale, Arizona 85301, by deposit in the United States Mail at Kansas City, Missouri, in a sealed envelope with first class postage thereon fully prepaid, this 3rd day of November 2010.

/James J. Kernell/

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,056,812

Registered Feb. 7, 2006

**TRADEMARK
PRINCIPAL REGISTER**



HASLIM, ANDREAS (UNITED STATES INDIVIDUAL)
6028 NORTH 57TH AVENUE
GLENDALE, AZ 85301

THE MARK CONSISTS OF A LARGE RED H WITH A BLUE DIAMOND IN THE MIDDLE FOLLOWED BY HASKELL IN BLUE.

FOR: PANTS, SHORTS, JACKETS, SHIRTS, SOCKS, GLOVES, T-SHIRTS, UNDERWEAR, SWIM SUITS, IN CLASS 25 (U.S. CLS. 22 AND 39).

SER. NO. 76-565,328, FILED 11-20-2003.

FIRST USE 10-31-2003; IN COMMERCE 10-31-2003.

THE COLOR(S) RED AND BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

REBECCA SMITH, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-11-02 12:12:16 ET

Serial Number: 77979291 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

HASKELL

(words only): [HASKELL](#)

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2010-05-03

Filing Date: 2009-03-19

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

Attorney Assigned:
[VOHRA SANJEEV KUMAR](#)

Current Location: [M1X -TMO Law Office 110 - Examining Attorney Assigned](#)

Date In Location: 2010-05-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Haskell Indian Nations University](#)

Address:
[Haskell Indian Nations University](#)
[155 Indian Avenue](#)

[Lawrence, KS 66046](#)
[United States](#)
Legal Entity Type: [Corporation](#)
State or Country of Incorporation: [Kansas](#)

GOODS AND/OR SERVICES

International Class: [025](#)
Class Status: [Active](#)
[CLOTHING, NAMELY, SHIRTS, TIES, SHORTS, HATS AND COATS](#)
Basis: [1\(a\)](#)
First Use Date: [1945-00-00](#)
First Use in Commerce Date: [1945-00-00](#)

ADDITIONAL INFORMATION

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

- [2010-05-03 - Non-final action mailed](#)
- [2010-05-03 - Non-Final Action Written](#)
- [2010-04-06 - Divisional processing completed](#)
- [2010-03-03 - Divisional request received](#)
- [2010-04-06 - Case Assigned To Intent To Use Paralegal](#)
- [2010-03-03 - TEAS Request To Divide Received](#)
- [2010-02-19 - Letter of suspension mailed](#)
- [2010-02-18 - Suspension Letter Written](#)
- [2010-01-23 - Previous Allowance Count Withdrawn](#)
- [2010-01-23 - Approved for Pub - Principal Register \(Initial exam\)](#)
- [2009-12-28 - Teas/Email Correspondence Entered](#)
- [2009-12-28 - Communication received from applicant](#)

2009-12-28 - Assigned To LIE

2009-12-15 - TEAS Response to Office Action Received

2009-06-15 - Non-final action mailed

2009-06-12 - Non-Final Action Written

2009-06-10 - Assigned To Examiner

2009-03-23 - New Application Office Supplied Data Entered In Tram

2009-03-23 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
James J. Kernell

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